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G. M. KNIGHT,
ATTORNEY AT LAW
AND NOTARY PUBLIC.

Yuma, Arizona.

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FINAL PROOFS.

Mineral Notices, Pre-emption and Homestead Claims.

TUCSON, A. T., Jan. 15, 1883.
To the Receiver of Public Monies, United States Land Office, Tucson, A. T.—Sir: There having been much discussion recently as to the rights of claimants, as well as those of publishers, in the matter of the publication of mineral notices and notices of intention to make final proof on pre-emption and homestead claims, will you be kind enough to inform me what the law and the instructions are, for my own benefit and that of the public?

Very respectfully,

L. C. HUGHES,
Proprietor Arizona Star.

U. S. Land Office,
Tucson, A. T., Jan. 15, 1883.
L. C. Hughes, Proprietor Arizona Star.—Sir: Your letter of this date received, and in reply thereto, I cannot better answer your inquiries than by furnishing to you a copy of a letter in reply to a communication received from a gentleman in Tombstone on the same subject, which I herewith enclose.

Yours truly, C. E. DAILEY,
Receiver of Public Monies.

J. O. Dunbar, Esq., Editor and Proprietor Daily and Weekly Republican, Tombstone, Arizona.

Dear Sir: Your letter of Dec. 21, relating to the publication of notices of application for mineral lands and notices of the intention and homestead claimants to make final proof, is received.

In answer thereto, I have to say in regard to mineral notices, that section 2334, revised statutes, clearly defines the rights of applicants, and how abuses may be corrected by the Commissioner of the General Land Office, which is as follows, viz: "The surveyor general of the United States may appoint in each land district containing mineral lands as many competent surveyors as shall apply for appointment to survey mineral claims. The expenses of the survey of lode or vein claims, and the survey and subdivision of placer claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The commissioner of the general land office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and in case of excessive charges for publication he may designate any newspaper published in a land district where mines are situated for the publication of mining notices in such district, and fix the rates to be charged by such paper, and to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all fees and charges paid by such applicant for publication and survey, together with all fees and monies paid the register and the receiver of the land office, which statement shall be transmitted, with the other papers in the case, to the commissioner of the general land office.

Section 2325, revised statutes, provides how to proceed to obtain patent, and requires the notice of application for patent to be published in a newspaper published nearest to the claim sought to be patented.

The following clearly indicates the rights of applicants, and

shows them, instead of the land office, to be the real parties to the giving of patronage to the newspapers, and that when a local officer so far forgets his duty under his official oath as to ignore the law or the regulations made thereunder, and in violation of the same shall, to the prejudice of applicants, cause publication of mineral notices to be published in his own interest or in the interest of particular newspapers, he commits a misdemeanor in office, such as in my judgment merits no less of a rebuke than immediate dismissal.

It will be observed by reference to paragraph 34, page 18, U. S. Mining Laws, and regulations thereunder, that applicants must furnish the agreement of the publisher to hold applicant for patent alone responsible for the charges of publication, and the last paragraph of circular instructions issued by the commissioner April 9, 1880, reads as follows, viz: "In the performance of the duty of designating the newspaper as that published nearest the claim, you are not expected to make a discrimination, on account of the distance of the place of publication from the claim, between different newspapers published in the same town or city. Any one of several newspapers so situated may be designated."

There is no doubt of the intent and meaning of these instructions, namely: That the applicant who has to contract for and pay the cost of publication may choose the newspaper in which his notice of application for patent shall be published providing the town or point of issuing the paper is nearest to the claim, said place being the main question for the register to act upon in the matter of designation, that the publication be made in pursuance of the rule in respect to distance; that is to say, the register, under the laws and regulations, must determine at what point a newspaper is published nearest the claim, and if at that point two or more newspapers are published, it is of no consequence to the Government in which of the two or more papers a notice is published, and to arbitrarily force all notices into one paper would be a violation of the provisions of section 2334, revised statutes, by robbing applicants of the liberty to obtain the publication of their notices at the most reasonable rates, as the statute provides they may.

It does not become an official of the government to exercise partiality in the discharge of his duties, and whoever in an official capacity does so, not only does wrong, but deservedly becomes odious in the eyes of the people.

In the matter of the publication of notices of intention to make final proof by applicants for agricultural lands, substantially the same rule applies as for mineral notices, and need not be discussed at this time.

In what I have said it has been my aim to define the rights of both publishers and applicants, and to expose the fallacious idea that the land office has patronage to dispense, or that an officer of it is privileged to divert the business of the office into special channels, contrary to law and regulations, for personal aggrandizement, in support of special outside interests, in behalf of friends, to the prejudice of publishers and applicants, and in violation of the honest rule underlying all the land laws and regulations—absolute impartiality in all matters and towards all persons within the purview of administrative action.

Very respectfully,
C. E. DAILEY,
Receiver of Public Monies.

TWELFTH LEGISLATURE.

THURSDAY.

In the Council several committees made reports regarding bills.

Goldwater introduced a resolution that the Secretary of the Territory receive bids for all printing for both Houses during the present session, which caused a spirited debate amongst the senators. It was carried.

Knapp of Pima gave notice of moving for the reconsideration of Goldwater's resolution to-morrow. Goldwater a bill granting leave of absence to Co. Treasurer of Yavapai.

The bill authorizing the Board of Supervisors of Maricopa county to issue bonds to the amount of \$30,000, payable in 15 years, for the erection of a court-house and jail, introduced by Lemon and passed the Council by 11 votes.

Resolved, That the commission consisting of the Judiciary committee of both Houses revise the compiled laws of Arizona and employ clerical labor. This was made a special order.

At ten o'clock twenty-nine bills had been introduced in the Council, one memorial and twenty concurrent resolutions.

In the House, Wardwell's bill to authorize the Board of Supervisors to issue bonds in the sum of \$10,000 for the erection of hospital in Cochise county.

Wicks, bill to provide for the prosecution in criminal cases by information on presentation by the District Attorney, and that only one grand jury shall be drawn in each county in each year.

The House concurred with the Council that members shall pay for their postage stamps.

The names of all clerks are to be called every morning at the same time as those of the members.

The bill changing the time of holding the District Court passed the House to-day; also the bill to provide for the trial of offenses on information. The printing journals bill, and other matter, like Banquo's Ghost come before each House morning and evening. The House being democratic any proposition from the Council is not concurred in and vice versa. The bills are being printed by each House, the secretary having full control of certain printing, which may result in some one getting left. The question retards business and we cannot say when it will be reached.

FRIDAY.

In the Council Masterson introduced a bill to provide for assessment work on mining claims. Referred to the Committee on Mines and Mining. Bohm, a bill to provide for the punishment of persons using profane, obscene or abusive language in any town or village in the Territory. Goldwater, a bill to incorporate the city of Prescott. Wells, of Yavapai, an act to amend chapter 10, compiled laws relative to crimes and punishment; Lemon, a bill to establish a public school system in Arizona and provide for the maintenance of the same; Masterson, a bill to amend certain sections of chapter 48 relating to the manner of commencing civil actions; Lemon, to repeal the poll tax and increase per capita tax for road purposes.

The Council bill fixing the salary of the Clerk of the Board of Supervisors of Pima was amended in the House from twelve hundred to six hundred. Wardwell's bill relative to ear marks and brands was lost in the house. The Committee on Education reported favorably on the manner of procuring bonds to build a school house in Tombstone. The bill for the protection of stockmen

along the railroad, laid on the table and ordered printed. There is no doubt of its passage.

[CONTINUED ON SECOND PAGE.]

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STOMACH BITTERS

Hostetter's Stomach Bitters gives steadiness to the nerves, induces a healthy natural flow of bile, prevents constipation without unduly purging the bowels, gently stimulates the circulation, and by promoting a vigorous condition of the physical system, promotes, also, that cheerfulness which is the truest indication of a well-balanced condition of all the animal powers.

For sale by all Druggists and Dealers generally.

PROBATE NOTICE.

In the Probate Court, of the County of Yuma, Territory of Arizona.

In the matter of the Estate of Frederick Schimpf, deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Administrator, with the Will annexed, of the estate of Frederick Schimpf, deceased, to the creditors of and all persons having claims against said Frederick Schimpf, deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice, to the said administrator, at his residence at Ehrenberg, or to L. A. Mullan, his attorney, in the Village of Yuma, Territory of Arizona.

A. FRANK,
Administrator of the Estate of Frederick Schimpf, deceased.

L. A. MULLAN,
Att'y for Adm'r.
Dated Yuma, A. T., July 25, 1882.
By 22-11.

PROBATE NOTICE.

In the Probate Court, of the County of Yuma, Territory of Arizona. In the matter of the Estate of George Angelo, deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Administrator of the estate of George Angelo, deceased, to the creditors of and all persons having claims against George Angelo, deceased, to exhibit them with necessary vouchers, within ten months after the first publication of this notice, to the said administrator, at his residence in the Village of Yuma, Territory of Arizona.

GEO. M. THURLOW,
Administrator of the Estate of George Angelo, deceased.
Dated Yuma, A. T., March 4th, 1882.

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Of them are now running on the Pacific Coast, giving results never before obtained as regards continuous running, economy of fuel, grade and quality of bullion produced. We are prepared to demonstrate by facts the claims here made. These Smelters are shipped in a complete state, requiring no brick or stone work, except that for the crucible, thus saving great expense and of time in construction.

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